

BEFORE THE FEDERAL ELECTION COMMISSION

ENFORCEMENT PRIORITY SYSTEM
DISMISSAL REPORT

MUR: 7414

Respondents: Marge Doyle for Congress
and Gary Crummitt, as Treasurer
("the Committee"),¹
Samuel DeFabbia-Kane

Complaint Receipt Date: June 20, 2018

Response Date: July 25, 2018²

EPS Rating:

Alleged Statutory

Regulatory Violations:

52 U.S.C. §§ 30104(b)(3)(A), 30121(a)

11 C.F.R. §§ 104.3(a)(4), 110.20(a)(3), (b)

The Complaint alleges that the Committee failed to itemize bundled contributions received from Act Blue³ and accepted a contribution from a foreign national, DeFabbia-Kane, residing in Hong Kong.⁴ DeFabbia-Kane asserts that he is a United States Citizen residing in Hong Kong, and provided a copy of his United States passport.⁵ Although the Committee did not respond to the Complaint, its response to a Reports Analysis Division's Request for Additional Information states that the difference between the Act Blue and earmarked total is due to unitemized earmarks.⁶

¹ Doyle was a 2018 candidate for the U.S. House of Representatives in California's Eighth District. Marge Doyle for Congress is her principal campaign committee.

² No response was received from the Committee.

³ The Committee allegedly failed to itemize \$140,807.09 in bundled contributions from Act Blue. Compl. at 5 (June 20, 2018).

⁴ Compl. at 4-5. The Complaint also alleges that the Committee bought votes at the California Democratic State Convention, which allegedly violated 42 U.S.C. § 1973i(C) and Title 18 of the U.S. Code, and committed violations of the Voting Rights Act. These allegations could give rise to violations under the Federal Election Campaign Act, as amended, and Commission regulations; however, the discussion in the complaint and the associated allegations fall outside the Commission's jurisdiction and, therefore, this Office has not addressed them. *Id.* at 1-3.

⁵ Resp. at 1 and attachment (July 25, 2018).

⁶ The Reports Analysis Division has indicated that the response to its Request for Additional Information, concerning the Committee's unitemized earmarks, is adequate and does not trigger a referral to either the Office Alternative Dispute Resolution or the Office of General Counsel.

Based on its experience and expertise, the Commission has established an Enforcement Priority System using formal, pre-determined scoring criteria to allocate agency resources and assess whether particular matters warrant further administrative enforcement proceedings. These criteria include (1) the gravity of the alleged violation, taking into account both the type of activity and the amount in violation; (2) the apparent impact the alleged violation may have had on the electoral process; (3) the complexity of the legal issues raised in the matter; and (4) recent trends in potential violations and other developments in the law. This matter is rated as low priority for Commission action after application of these pre-established criteria. Given that low rating, the explanations and documentation provided by the Respondents, and the apparent lack of a violation, we recommend that the Commission dismiss the Complaint consistent with the Commission's prosecutorial discretion to determine the proper ordering of its priorities and use of agency resources.⁷ We also recommend that the Commission close the file as to all Respondents and send the appropriate letters.

Lisa J. Stevenson
Acting General Counsel

March 26, 2019
Date

BY: Charles Kitcher
Charles Kitcher
Acting Associate General Counsel

Jeff S. Jordan
Jeff S. Jordan
Assistant General Counsel

Kristina M. Portner
Kristina M. Portner
Attorney

⁷ *Heckler v. Chaney*, 470 U.S. 821, 831-32 (1985).